

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : October 27, 2006
Andreas Dieberger et al.
Group Art Unit: 2174 : Examiner: Ryan F. Pitaro
Serial No.: 10/034,499 : Filed: 12/28/2001
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**Title: SYSTEM AND METHOD FOR VISUALIZING AND NAVIGATING
DYNAMIC CONTENT IN A GRAPHICAL USER INTERFACE**

SUPPLEMENTAL APPEAL BRIEF

Commissioner of Patents and Trademarks

Sir:

This brief is submitted under 35 U.S.C. 134 and is in accordance with 37 C.F.R. Parts 1, 5, 10, 11, and 41, effective September 13, 2004 and published at 60 Fed. Reg. 155 (August 2004). This brief is further to Appellant's Notice of Appeal previously filed, and in response to an Office Action dated July 28, 2006 reopening prosecution.

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(1) Real Party in Interest

The real party in interest is the IBM Corporation.

(2) Related Appeals/Interferences

No other appeals or interferences exist which relate to the present application or appeal.

(3) Status of Claims

Claims 1-23 are pending and non-finally rejected, and claims 11-12, 14, and 16 are canceled.

(4) Status of Amendments

No amendments are outstanding.

(5) Summary of Claimed Subject Matter

As an initial matter, it is noted that according to the Patent Office, the concise explanations under this section are for Board convenience, and do not supersede what the claims actually state, 69 Fed. Reg. 155 (August 2004), see page 49976. Accordingly, nothing in this Section should be construed as an estoppel that limits the actual claim language.

Claim 1 teaches a method for visualizing dynamic documents (page 6 lines 5-7 and 17-19) in a graphical user interface, comprising generating a summary view (Figure 1, page 6, lines 11-17) of at least one dynamic document including data from an

ongoing process and containing instances of search terms, using a condensed abstract representation of a search term density distribution (page 6, lines 13-16, page 16 lines 1-6), then updating said summary view to reflect changes in said dynamic document (page 6, lines 16-17), and finally triggering an enhancement of said summary view by cursor brushing (page 9, lines 4-9). Claims 8, 22, and 23 are substantially identical, differing only in form (e.g. claims 8 and 22 describe systems while claim 23 describes a computer program product).

Claims 3 and 15 teach a dynamic document that includes stock market data, and computing a statistical summary of a selection dynamic document portion (page 7 lines 3-6).

Claim 13 teaches a dynamic document that includes data from a security system (page 7 lines 1-2).

(6) Grounds of Rejection to be Reviewed on Appeal

(a) Claims 1, 2, 4-10, and 17-23 have been rejected under 35 U.S.C. 102(b) as being anticipated by Koike et al. ("Koike", Timeslider: An Interface to Specify Time Point).

(b) Claims 3 and 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Koike in view of Chen et al. ("Chen", USPN 6,625,624).

(c) Claim 13 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Koike in view of Ayyar et al, ("Ayyat", USPA 2002/0140722).

(7) Argument

(a) As an initial matter, it is noted that according to the Patent Office, a new ground of rejection in an Examiner's answer should be "rare" and should be levied only in response to such things as newly presented arguments by Applicant or to address a claim that the examiner previously failed to address, 69 Fed. Reg. 155 (August 2004), see, e.g., pages 49963 and 49980. Furthermore, a new ground of rejection must be approved by the Technology Center Director or designee and in any case must come accompanied with the initials of the conferees of the appeal conference, id., page 49979.

Appellant notes that the SPE signed off on the final rejections. Accordingly it was not expected that reopening of prosecution would occur, since the SPE has already had the chance to consider the gravamen of the arguments below and has rejected them. However, the latest Office Action indeed reopens prosecution with only minor remarks and insignificant changes to the cited prior art. The Examiner now suggests that "search term density" is not sufficiently precise, a suggestion Applicants refute, and replaces the Yeo reference with the Ayyar reference. Accordingly, Applicants return this application to appeal.

Claims 1, 2, 4-10, and 17-23 are rejected as anticipated by Koike. Koike fails to teach every element of the present invention, which is required for a proper anticipation rejection. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2

USPQ2d 1051, 1053 (Fed. Cir. 1987). Remarks below regarding Koike also apply to the obviousness rejections discussed below.

Claims 1, 8, 22, and 23 are independent claims and each recite elements not found in Koike. The dependent claims similarly recite elements not found in Koike, or, in the case of the obviousness rejections discussed below, recite elements neither taught nor suggested by the cited prior art. Koike fails to generate a summary view of at least one dynamic document including data from an ongoing process using a condensed abstract representation of a search term density distribution, as taught and claimed by the present invention. As taught in the specification on page 16 lines 1-18, markers represent the frequency with which search terms occur in the portion of the document represented by that marker, using relative darkness, color, and patterns for example to represent different densities. Koike presents no search term density information, only small tick marks to indicate that at least one instance of a search term occurred - a user must navigate and explore further to extract the information directly represented by the present invention.

(b) Claims 3 and 15 are rejected as unpatentable under 35 U.S.C. 103(a) over Koike in view of Chen. Chen does not address dynamic documents or their updating, whether those dynamic documents include stock market data or whether a statistical summary of a document portion is computed. Thus, Koike and Chen do not, either separately or in combination, teach or suggest the claimed features of the present invention.

(c) Claim 13 is rejected as unpatentable over Koike in view of Ayyar. Ayyar merely teaches a system for selecting text captions for video images as may for example

be produced by a security system, but does not describe dynamic documents at all.

Thus, Koike and Ayyar do not, either separately or in combination, teach or suggest the claimed features of the present invention.

For the reasons advanced above, it appears that the rejected claims are patentable.

Respectfully submitted,

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APPENDIX A - APPEALED CLAIMS

1. A method for visualizing dynamic documents in a graphical user interface, comprising:

generating a summary view of at least one dynamic document including data from an ongoing process and containing instances of search terms, using a condensed abstract representation of a search term density distribution;

updating said summary view to reflect changes in said dynamic document; and

triggering an enhancement of said summary view by cursor brushing.

2. The method of claim 1 further comprising navigating to at least one segment of said dynamic document by selecting a corresponding portion of said summary view.

3. The method of claim 1 further comprising computing a statistical summary of contents of a selected document portion.

4. The method of claim 1 further comprising identifying relevant dynamic documents with at least one search engine.

5. The method of claim 1 further comprising aggregating information to enable a more condensed abstract representation of said dynamic document.

6. The method of claim 1 wherein said updating is performed periodically.

7. The method of claim 1 wherein said updating is performed continuously.

8. A system for visualizing dynamic documents in a graphical user interface comprising:

a summary view of at least one dynamic document including data from an ongoing process and containing instances of search terms, using a condensed abstract representation to depict a search term density distribution;

an updating mechanism to reflect changes in said dynamic document in said summary view; and

an enhancement of said summary view triggered by cursor brushing.

9. The system of claim 8 wherein at least one segment of said document is navigated to by selection of a corresponding portion of said summary view.

10. The system of claim 8 wherein said dynamic document comprises at least one of: a text file, an image file, an audio file, a video file, streaming data.

13. The system of claim 8 wherein said dynamic document includes data from a security system.

15. The system of claim 8 wherein said dynamic document includes stock market data.

17. The system of claim 8 wherein said search terms include user-specified events defined by significant changes in said data from said ongoing process.

18. The system of claim 8 wherein said summary view includes a number of distinct regions, each region having a different resolution scale, enabling information to be depicted at different levels of detail.

19. The system of claim 18 wherein said resolution scale is a time scale.

20. The system of claim 8 wherein said abstract representation is nonlinear.

21. The system of claim 8 wherein said summary view depicts more recent events with higher resolution than less recent events.

22. A system for visualizing and navigating dynamic documents in a graphical user interface comprising:

means for generating a summary view of at least one dynamic document including data from an ongoing process and containing instances of search terms, said summary view depicting a search term density distribution in a condensed abstract representation;

means for updating said summary view to reflect changes in said dynamic document; and

means for triggering an enhancement of said summary view by cursor brushing.

23. A computer program product comprising a machine-readable medium having computer-executable program instructions thereon including:

- a first code means for generating a summary view of at least one dynamic document including data from an ongoing process and containing instances of search terms, said summary view depicting a search term density distribution in a condensed abstract representation;**
- a second code means for updating said summary view to reflect changes in said dynamic document; and**
- a third code means for triggering an enhancement of said summary view by cursor brushing.**

APPENDIX B - EVIDENCE

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004), page 49978).

APPENDIX C - RELATED PROCEEDINGS

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004), page 49978).